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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,638	09/11/2000	John K. Schneider	13325.0032	4826
7590	12/29/2005		EXAMINER	DANG, DUY M
Martin G Linihan, Esq. Hodgson, Russ, Andrews, Woods & Goodyear, LLP Suite 2000 One M&T Plaza Buffalo, NY 14203-2391			ART UNIT	PAPER NUMBER
			2627	
			DATE MAILED: 12/29/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/658,638	SCHNEIDER ET AL.	
	Examiner	Art Unit	
	Duy M. Dang	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10 and 11 is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 September 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments, see pages 5-10, filed 9/29/05, with respect to the rejection(s) of claim(s) 1-11 under section 35 U.S.C 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6,886,104 McClurg et al. (McClurg).

Drawings

2. The drawings are objected to under 37 C.F.R 1.83(a) because the descriptive labels are not included in the boxes of figure 2. In this case, no descriptive labels for items numbered 12, 14, 40, 46, 50, 52, 54, 60, 62, 64, 66, 72, 74, 80, 82, 84, 86, and 88 are presented. Corrected drawings must be submitted.

Specification

3. The disclosure is objected to because of the following informalities:

On page 8, line 20, the "bidirectional arrow 40" ought be changed to "bidirectional arrow 60".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the docking system" in last two lines. There is insufficient antecedent basis for this limitation in the claim. It is also considered indefinite because it is unclear whether it is referred to fingerprint identification system or docking system. For prior art comparison, it is assumed to be read as the so called "docking station".

Dependent claims 2-9 are also rejected for the same reasons as above.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by McClurg.

Regarding claim 1, McClurg teaches a fingerprint identification system [item 100 of figure 1 and col. 2 lines 49-50] comprising:

a)a portable fingerprint scanner which can be hand carried to various locations for obtaining fingerprint images and for storing the images obtained in the scanner for later retrieval [see "hand-held fingerprint scanner 102" of figure 1 and col. 2 lines 51-52; and the "Fingerprint scanner 102 is a portable, hand-held scanner that detects and stores images representing part or all of a fingerprint" mentioned in col. 2 lines 53-55. Also refer to col. 2 lines 60-63]; and

b)at least one docking station at a location spaced from the location where fingerprint images are obtained [docking station 140 of figure 1 and text portion mentioned in col. 3 lines 17-19 and 40-45. This cited portion provides that "scanner is active, mobile use out of the

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docking station 140” and “docking station 140 may be a holder mounted in a police car”. Also refer to col. 2 lines 60-63 which states “Fingerprint scanner 102 is detachably coupled to docking station 140”; and col. 3 lines 25-28 which states: “A police officer needs to be able to return fingerprint scanner 102 to docking station 140”], the docking station being in the form of a receptacle for receiving the scanner [see “docking station may be a holder mounted in a police car” mentioned in col. 3 lines 40-45 and “Fingerprint scanner 102 is detachably coupled to docking station 140” mentioned in col. 2 lines 60-63. Also refer to col. 3 lines 25-28 which states: “A police officer needs to be able to return fingerprint scanner 102 to docking station 140”], the docking station being physically separate from the scanner when the scanner is obtaining fingerprint image [see figure 1 (scanner 102 and docking station 140 are physically separated from each other); the text portion mentioned in col. 3 lines 17-19 (“scanner is active, mobile use out of the docking station 140”) and 40-45 (“docking station 140 may be a holder mounted in a police car”); and col. 3 lines 25-28 which states: “A police officer needs to be able to return fingerprint scanner 102 to docking station 140”], the fingerprint images being downloaded from the scanner when the scanner is received in the docking system [see col. 2 lines 60-63 which states: “Fingerprint scanner 102 is detachably coupled to docking station 140. Stored images are then downloaded from fingerprint scanner 102 through docking station 140 to a host computer 150”; and the “Fingerprint scanner 102 is a portable, hand-held scanner that detects and stores images representing part or all of a fingerprint” mentioned in col. 2 lines 53-55].

Regarding claim 2, McClurg further teaches: a computer operatively connected to the docking station for processing fingerprint images downloaded from fingerprint scanner [see host

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computer 150 of figure 1 and col. 2 lines 60-63 which states: "Fingerprint scanner 102 is detachably coupled to docking station 140. Stored images are then downloaded from fingerprint scanner 102 through docking station 140 to a host computer 150"; and col. 3 lines 44-47 which states: "Host processor 150 can be any type of computer, processor, or logic which can receive and process fingerprint images detected by the fingerprint scanner 102"].

Regarding claim 3, McClurg further teaches: wherein diagnostic routines are provided by the computer for operation on the scanner while in the docking station [see the connection between docking station 140 and host computer 150 shown in figure 1. This interpretation is consistent with applicant's disclosed item 76 in figure 2 and specification page 8 lines 31-34. Further more, these claimed features are inherently included in McClurg in order for host processor 150 recognizes or "talks" to scanner 102 when it is docked to the docking station 140 and receives fingerprint images captured and stored from scanner 102].

Regarding claim 4, McClurg further teaches: wherein the scanner [scanner 102 of figure 1] is battery operated [see "rechargeable power supply" shown at 120 of figure 1 comprising a rechargeable battery 224 according to figure 2 and col. 4 lines 20-21] and wherein the docking station is provided with a voltage source for recharging the scanner battery when in the docking station [see col. 3 lines 20-23 which states: "when the fingerprint scanner 102 is returned to docking station 140, power is provided through data and power interface 130 to recharge rechargeable power supply 120", and col. 5 lines 50-53 which states: "Docking station 140 transmits data and charges the rechargeable battery 224". This clearly provides that McClurg inherently teaches a voltage source supplied to docking station 140 for recharging rechargeable battery 224 included in rechargeable power supply 120 of the fingerprint scanner 102].

Regarding claim 7, McClurg further teaches: wherein the docking station is located in a law enforcement vehicle [see col. 3 lines 40-45 which states: “docking station 140 may be a holder mounted in a police car”] and wherein the scanner is adapted to be carried by a law enforcement officer [see col. 3 lines 25-28 which states: “A police officer needs to be able to return fingerprint scanner 102 to docking station 140”, and col. 5 lines 38-39 which states: “Because fingerprint scanner 102 is small and lightweight, it may be carried on the officer utility belt upon exiting a vehicle”].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClurg.

The advanced statements in paragraph 7 with regard to McClurg as applied to claims 1-4, and 7, above, are incorporated hereinafter.

Regarding claim 8, McClurg fails to explicitly teach wherein the scanner is provided with an external magnetic component for attachment to a vehicle during use in obtaining images. It is well known in the art (Official Notice) to use such magnetic for attachment scanner to the vehicle during use in obtaining image in order to physically secure the scanner to the vehicle thereby to prevent damaging to the image captured and scanner itself due to the vibration.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the conventional teachings in combination with McClurg for that reasons.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClurg in view of Schneider et al. [U.S. Patent No. 5,456,256].

The advanced statements in paragraph 7 with regard to McClurg as applied to claims 1-4, and 7, above, are incorporated hereinafter.

McClurg does not explicitly teach that the scanner is an ultrasonic fingerprint scanner. However, the utilization of an ultrasonic fingerprint scanner is well known in the art as evidenced by Schneider. Schneider teaches an ultrasonic fingerprint scanner [see title and abstract. Also refer to figures 28-29]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a ultrasonic fingerprint scanner as taught by Schneider in combination with McClurg as suggested by Schneider in column 28, lines 10-17.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClurg in view Neukermans et al. [U.S. Patent No. 6,122,394. Referred as Neukermans hereinafter].

The advanced statements in paragraph 7 with regard to McClurg as applied to claims 1-4 and 7, above, are incorporated hereinafter.

McClurg does not explicitly teach that the scanner has barcode scanning capability. However, such a feature is well known in the art as evidenced by Neukermans.

Menachem, in the same field of invention that of fingerprint scanning, teaches a fingerprint scanner has barcode scanning capability [see col. 19 lines 5-20].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use fingerprint scanner for scanning barcode as taught by Neukermans in combination with McClurg as suggested by Neukermans in column 19 lines 5-20. By doing so, it would provide elimination the need for both barcode scanner and fingerprint scanner in achieving the purpose of “portable and/or mobile”. This also provides an advantage by elimination the number of tools/equipments carried by police officer for example.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClurg in view of Fishbine et al. [U.S. Patent No. 5,467,403. Referred as Fishbine hereinafter].

The advanced statements in paragraph 7 with regard to McClurg as applied to claims 1-4, and 7, above, are incorporated hereinafter.

Regarding claim 9, While McClurg does not explicitly teach the scanner has an infrared link for wireless transmission of fingerprint images while received in the docking station, McClurg does disclose “memory can store the print without having to transmit the print using expensive radio-frequency transmission. This clearly provides suggestion of using wireless transmission.

However, such features are well known in the art as evidenced by the patent to Fishbine. Fishbine, in the same field of invention that of portable fingerprint scanner, teaches a portable fingerprint scanner [item 10 of figure 1] comprising: an interface circuit [30 of figure 1] employing radio frequency transmission [col. 10 lines 1-4], and using infrared transmission as a wireless transmission for interface circuit 30 [col. 10 lines 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use wireless transmission having infrared transmission taught by Fishbine

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in combination with McClurg as suggested by both Fishbine and McClurg. By using such features, it would simplify transferring fingerprint images from scanner to host computer, prevent insufficient image storage because fingerprint images previously captured and stored can be wireless transmitted to host computer so that such image storage can be reused to store more fingerprint images without the need to walk back to the vehicle where docking station and host computer are located.

Allowable Subject Matter

13. Claims 10-11 are allowed.

14. The following is an examiner's statement of reasons for allowance:

Reference is made to the Applicant's arguments, see pages 5-10, filed 9/29/05, as to the reasons why the most relevant prior art previously applied do not anticipate or render obvious the claimed features recited in claim 10. In addition, the newly cited references fails to teach or suggest the features recited in claim 10.

Dependent claim 11 is also allowed for the same reasons as set forth above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmd
12/05



Duy M. Dang
Patent Examiner